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AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER FERRIS III, FRED O	
			ART UNIT 2128	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/710,376

Applicant(s)

TSUJI ET AL.

Examiner

Fred Ferris

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/9</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. *Claims 1-7 have been presented for examination based on applicant's disclosure filed 6 July 2004. Claims 1-7 remain pending in this application and stand rejected by the examiner.*

### ***Drawings***

2. *New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 1-9 are of poor quality and difficult to read. For example, Figures 5-9 appear to be screen shots of a GUI associated with the claimed invention but the Figures are not legible. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.*

### ***Claim Objections***

3. *Claims 1-7 are objected to under 37 CFR § 1.75(i) because each element of each claim is not separated by a line indentation. For example, the text appearing as part of the limitation directed to "at least one client computer" appears to contain separate limitations regarding the "server computer" and the "client computer." Correction is required.*

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. *Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "real-number" in claims 1-7 appears to be used by the claim to simply mean "part number" [para:0046], while the accepted meaning of "real-number" is an integer including a fractional part (Microsoft Computer Dictionary, 1997). The term is indefinite because the specification does not clearly redefine the term. For purposes of art rejections the examiner has interpreted the claimed "real-number" to simply mean a non-imaginary integer value representing a part number.*

*Applicants have further claimed the term "interpreter-type" programming language that is not clearly defined by the specification and is therefor also indefinite. Here the examiner submits that, based on specification paragraphs [0214-0252], applicants appear to simply be attempting to claim standard BASIC language commands that would be available with any commercially available BASIC interpreter such as GW-BASIC or Turbo BASIC. Clarification is respectfully requested.*

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US**

**Patent 5,39,247 issued to Kiriara et al.**

Regarding independent claim 1: Kiriara et al anticipates the limitations of independent claim 1 relating to a CAD system utilizing a network as presently claimed as follows:

- server computer connected to network and client computer performing data transmission with server via network; [server WS 1, Fig. 3]
  - sends CAD graphic data from server to client computer according to request from client computer; [client WS 2, Fig. 3],
- where server computer comprises:
  - storage means stores basic data for graphic data;
  - program data transmitting section reads basic data for graphic data from storage according to request from client computer, and sends data to client computer; [parts intrinsic information table 33 stored in memory, Fig. 3];
- client computer comprises:
  - program data receiving section for graphic data; [LAN 6, Fig. 3],
  - computing section that creates graphic data based on said data for graphic data;
  - CAD graphic data producing section that creates display data for graphic display unit in client computer based on graphic data created by computing section;

*basic data for graphic data comprises variable programs for drawing different graphics and real-number data substituted into variables of programs; [computing section inherent in production of drawings 21 and 22, Fig. 3]*

*- storage means of server computer comprises variable program storage section that stores variable programs, [parts shape management (graphics) table 36 stored in memory 2a, Fig. 3]; and*

*real-number data storage section storing real-number data; [Kirihera et al teaches the use of parts code numbers as keys to be used in conjunction with a distributed parts shape file 201 and a distributed parts construction file 301 to be used in the production of graphic data.]*

*-program data transmitting section reads specified variable program from variable program storage section, and reads specified real-number data from real-number data storage section according to request from said client computer, then sends that data to said client computer; [graphic data producing section inherent in production of drawings 21 and 22, Fig. 3].*

*- computing section of client computer substitutes specified real-number data into the variables of specified variable program, executes program and creates graphic data. [computing section inherent in production of drawings 21 and 22, Fig. 3]*

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,39,247 issued to Kiriara et al in view of "BASIC for Beginners", Conley, Petorcelli Books Inc. 1982.**

*Regarding independent claim 2: Claim 2 merely includes the limitations of independent 1, anticipated as cited above, with the addition of limitations relating to "interpreter-type" programming language. Looking into applicants specification [0214-0252] for guidance on the specific meaning of "interpreter-type" programming language appears to reveal that this merely implies interpreter language command such as those available in the BASIC programming language. The examiner notes that the operators (commands) disclosed in paragraphs [0214-0252] of applicants' specification appear to be standard BASIC language commands that would be available with any commercially available BASIC interpreter such as GW-BASIC or Turbo BASIC. Accordingly, these limitations are rejected in view of the features of the BASIC programming language as disclosed by Conley on pages 10 and 52 and would have been knowingly implemented by a skilled artisan tasked with developing interpreted language commands from a programming language.*

**7. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,39,247 issued to Kiriara et al in view of "BASIC for Beginners", Conley, Petorcelli Books Inc. 1982, and in further view of "GEOMNET: Geometric**

***Computing over the Internet," IEEE Internet Computing, Barequet et al, Vol. 3 No. 2, pp. 21-29 (March-April 1999).***

*Regarding dependent claims 3-8: Kiriara and Conley render obvious the limitations of independent claims 1 and 2 as cited above.*

*However, Kiriara and Conley do not appear to teach the transmission of variable programs from the server to the client, the variable programs for drawing different graphics.*

*Analogous art Barequet et al teaches use of the "GeomNet" system a client-server architecture "to provide easy Internet access to geometric implementations via a plug-and-play environment." Page 21 paragraph 6. Specifically, the GeomNet system includes Java wrappers directed to embedded applications, such as a CAD system or a geometric database. The application expects the data to be preloaded into the environment that the application works in. The environment supplies methods for accessing and modifying the geometric data, so that the application usually needn't be aware of the nature of the actual data structures that store these data. The output is the contents of the environment upon termination of the application. [Barequet et al, page 24, column 2, paragraph 5] These embedded applications include variable programs for drawing different graphics. Along with the benefits afforded via a "plug-and-play environment," Barequet et al also cites the following benefits:*

*By providing a progressive migration of software from the host to the client, GeomNet attempts to simplify interfacing, one of the most significant problems in software engineering and in using software developed elsewhere. Users can invoke online,*



*separately or in a pipeline, a rich collection of geometric computations for performing one-time or repeated tasks. The system is suitable for a wide variety of tasks, such as invoking an algorithm with specific input data, checking geometric structures or data for consistency, experimentally studying and/or comparing algorithms, designing new algorithms through the integration of existing algorithms, or demonstrating the course of an algorithm in an educational setting. The GeomNet system includes the display of graphic names. See Fig. 5 and corresponding text. Kiriara et al teaches the use of parts code numbers as keys to be used in conjunction with a distributed parts shape file 201 and a distributed parts construction file 301 to be used in the production of graphic data.*

*It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the CAD network system of Kiriara and interpreter of Conley, with the GeomNet system of transmission of embedded applications, because the combination would permit the CAD clients to manipulate geometric objects via a plug-and-play environment online.*

### **Conclusion**

8. *The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.*

*U.S. Patent 6,397,117 issued to Burrows et al teaches automatic CAD dimensioning.*

*U.S. Patent 6,295,513 issued to Watanabe teaches automatic CAD dimensioning.*

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9. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached at 571-272-2279. The Official Fax Number is: (571) 273 8300.*

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